GOVERNMENT OF INDIA
HEALTH AND FAMILY WELFARE
LOK SABHA

UNSTARRED QUESTION NO:3518
ANSWERED ON:07.08.2002
AVAILABILITY OF AIDS DRUGS
SANAT KUMAR MANDAL

Will the Minister of HEALTH AND FAMILY WELFARE be pleased to state:

(a) whether the Government are considering to make available AIDS drugs cheaply by removing the patents related restrictions;

(b) if so, the details thereof;

(c) whether the Government have held talks with WTO to liberaise the patent laws;

(d) if so, the details thereof; and

(e) if not, the reasons therefor?

Answer

THE MINISTER OF STATE IN THE MINISTRY OF HEALTH AND FAMILY WELFARE (SHRI A. RAJA)

(a) to (e) The Patents Act, 1970 read with the Patents (Amendment) Act, 2002 provides for process patents only in respect of medicines including medicines relating to AIDS.Product patents in this area are not permissible under existing patent law. Further, in order to ensure availability of medicines at reasonably affordable prices, the law contains appropriate provisions for compulsory licensing, parallel import and use of invention by Government in order to deal with public health concerns including public health crises relating to AIDS, HIV, TB, Malaria or other epidemics.

Government is providing free drugs for the treatment of opportunistic infections for HIV/AIDS patients in public sector hospitals. Antiretroviral drug, Nevirapine is being provided to HIV positive pregnant women for prevention of Mother to Child Transmission in high prevalence states.

For post exposure prophylaxis access among health workers in public sector hospitals, antiretroviral drugs are being supplied through States AIDS Control Societies.Government has also waived excise duty on antiretroviral drugs to make them affordable to HIV/AIDS patients.